

## REMARKS

Applicant has amended claims 1-5 to improve English usage and to broaden them somewhat, but not to overcome any rejection on patentability. The amendments also change the functional limitations appearing in the original claims to structural limitations so as to avoid the structures on claim scope imposed by 35 USC 112, 6<sup>th</sup> paragraph. The amendments do not narrow the scope of the claims and do not trigger prosecution history estoppel under the *Festo* case.

Applicant thanks the Examiner for the indication of allowable subject matter.

Claims 1 and 3 have been rejected under 35 USC 102(e) as anticipated by U.S. Patent No. 6,404,681 (Hirano). This rejection is respectfully traversed.

Hirano is not prior art under 35 USC 102(e), since the inventive entity of Hirano, Mr. Yasuaki Hirano, is the same as the inventive entity on this application, meaning that the Hirano reference does not meet the requirement of 35 USC 102(e) that the reference be a patent granted on an application filed by "another." In addition, since the filing date of this application, January 23, 2003, is before the issue date of Hirano, June 11, 2003, Hirano cannot be prior art under any other provision of 35 USC 102. Thus, the rejection of claims 1 and 3 should be withdrawn.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **204552022100**.

Respectfully submitted,

Dated: November 24, 2003

By: 

Barry E. Bretschneider  
Registration No. 28,055

Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 300  
McLean, VA 22102-3915  
Telephone: (703) 760-7743  
Facsimile: (703) 760-7777